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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/713,444

11/15/2000

James E. Fergen

28299/34088E

4876

26574

7590

03/05/2003

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EXAMINER

ST CYR, DANIEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,444

Applicant(s)

FERGEN ET AL.

Examiner

Daniel St.Cyr

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 132-152 and 183-208 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 132-152, 183-208 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of the amendment filed 12/19/02 in which claim 132 was amended and claims 183-208 are added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 132-152 and 183-208 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al, US Patent No. 4,153,931, cited by the applicant in view of Geraci, US Patent No. 5,143,193, also cited by the applicant.

Green et al disclose an automatic library control apparatus comprising: a pair of branch libraries 1 and 2 are shown connected over a plurality of telephone lines TL to a central site 3 housing the central control units. The local library branch 1 comprises a Check-In/Check-Out console 4, a Check-Out console 5, and an alpha-numeric input and output display unit 6; a

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branch controller 14 or 16 is used to code the input and output data and interfaces the I/O units to the computer; a modem 17 such as the Intertel Model 235, is provided to convert the digital data from the branch controller to an analog signal which is transmitted over the telephone lines TL; a second modem 18 is used at the central receiving site, the central site 3 includes a central processing unit 20, a communications controller 22, and modem 18, a line printer 23, and a series of on-line data files 24 and off-line files 25; an on-line files consist of a circulation file 31 which contains the patron identification number and the item number together with the date of the transaction, an overdue file 32 which contains the overdue item number and the number of overdue days, a reverse file 33 containing the reverse item number and the corresponding patron number, and expired file 34 which stores the expired patron's number together with the number of days the card has expired, a delinquent file 35 which contains the delinquent patron number and the amount owed by the delinquent account, and an auxiliary file 36 which is used for temporary data storage. The off-line files 25 comprise: a patron file 40 which contains the patron number and the name and address of the patron together with any fine accumulated from the overdue files of from returning damaged books, a statistical file 41 which stores the number of patrons and the total fines collected and may also be used for specialized statistical information needs, and an item file 42 which contains a complete inventory of items in the library system (see col. 4, line 15+; figures 1-4).

Green et al fails to disclose or fairly suggest the type payment accepted by the terminal (i.e. credit, debit, smart cards).

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Geraci discloses an automated library article terminal comprising: a credit card slot 38 for reading credit card information for purchasing or renting article. (see figure 1 and col. 4, line 57 +).

In view of Geraci's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Green et al by incorporating a card reader to allow patrons to pay for their transactions using credit, debit, and smart cards. Such modification would make the system more practical and would make the system more effective by reducing peak waiting times and would free up counter staffs to concentrate on other library works. Furthermore, card readers that accept credit, debit, and smart cards are notorious old and well known in the art for processing financial transactions. Therefore, it would have been an obvious extension as taught by Green et al.

Response to Arguments

5. Applicant's arguments with respect to claims 132-152 have been considered but are moot in view of the new ground(s) of rejection.

The limitation "a payment apparatus arranged to receive payment from the borrower" necessitated a new ground of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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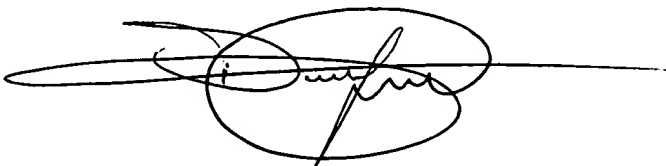
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr
Examiner
Art Unit 2876

A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', is written over a horizontal line. The signature is enclosed within a large, loopy oval shape.

DS
March 3, 2003